

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

KAREN RUSSELL,

Plaintiff

v.

C-1-13-324

CATHOLIC HEALTHCARE
PARTNERS EMPLOYEE LONG
TERM DISABILITY PLAN, *et al.*,

Defendants

ORDER

This matter is before the Court upon the Report and Recommendation of the United States Magistrate Judge (doc. no. 14), defendant's objections (doc. no. 17) plaintiff's reply (doc. no. 19) and defendants' reply (doc. no. 20). The Magistrate Judge recommended that plaintiff's Motion to Remand (doc. no. 9) be granted.

Defendants object to the Magistrate Judge's Report and Recommendation on the grounds that her findings are contrary to law.

CONCLUSION

Upon a *de novo* review of the record, especially in light of defendants' objections, the Court finds that the Magistrate Judge properly recognized that the state defendants are not fraudulently joined defendants. The Court finds that the Magistrate Judge has accurately set forth the controlling principles of law and properly applied them to the particular facts of this case and agrees with the Magistrate Judge that this Court lacks jurisdiction to decide the merits of this case.

Accordingly, the Court hereby ADOPTS the Report and Recommendation of the United States Magistrate Judge (doc. no. 14). Plaintiff's Motion to Remand (doc. no. 9) is GRANTED.

This case is TERMINATED on the docket of this Court.

IT IS SO ORDERED.

s/Herman J. Weber
Herman J. Weber, Senior Judge
United States District Court